

REMARKS

At the outset, Applicants acknowledge with appreciation the indication of allowable subject matter in claims 35-37, 39, 41 and 43. Accordingly, this application has been amended to include the limitations of the base claim, as kindly suggested in the Official Action, to place it in condition for allowance.

Status of the Claims

Claim 35 has been amended to include the features of claim 21, and further clarify the features of claim 21, such as the compound formulas I-a, I-b, and I-c resulting from each Y (as described on specification page 10) and the biological recognition element (as described specification page 6, lines 5-16 and specification page 8, lines 8-11).

Claims 36, 37, 39, 41 and 43, which previously depended from claim 21, have been amended to depend from claim 35.

Claims 21-34, 38, 40 and 42 have been cancelled without prejudice, as applicants reserve the right to file one or more divisional application directed to their subject matter.

Claims 35-37, 39, 41 and 43 remain pending in the application.

Claim Objections

Claims 35-37, 39, 41 and 43 were objected to for being directed to a withdrawn claim.

Claim 35 has been amended to include the features of claim 21, and claims 36, 37, 39, 41 and 43, which previously depended from claim 21, have been amended to depend from claim 35. Thus, the claims particularly point out and distinctly claim the subject matter that applicants regard as their invention.

Therefore, withdrawal of the objection is respectfully requested.

Claim Rejections-35 USC §112

Claims 35-37, 39, 41 and 43 were rejected under 35 U.S.C. §112, second paragraph for being indefinite. This rejection is respectfully traversed for the reasons below.

The first position of the Official Action was that it was unclear how the Y groups recited in claim 21 were attached to the structure shown in Formula I. However, claim 35 now recites the structures resulting from each Y in terms of compound formulas I-a, I-b, and I-c (specification page 10), and, thus, this feature is recited in a definite manner.

The second position of the Official Action was that the amino acid "derivative" recitation was unclear. However, claim 35 now recites "amino acid" as disclosed on page specification page 8, lines 8-11, and, thus, this feature is definite.

The third and final position of the Official Action was that "or also a fluorescent or radioactive visualization or detection probe" was unclear. Accordingly, this feature has been amended in a manner consistent with page 6, lines 10-16 to recite that the biological recognition element is selected from a particular group, which includes a molecular structure allowing detection by fluorescent or radioactive visualization. Accordingly, this feature is now definite.

Therefore, in view of the amendment to the claims, withdrawal of the indefiniteness rejection is respectfully requested.

Conclusion

In view of the amendment to the claims to focus on allowable subject matter and the foregoing remarks, this application is in condition for allowance at the time of the next Official Action. Allowance and passage to issue on that basis is respectfully requested.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future submissions, to charge any deficiency or credit any overpayment to Deposit Account No. 25-0120 for any

additional fees required under 37 C.F.R. § 1.16 or under 37
C.F.R. § 1.17.

Respectfully submitted,

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